



ANNO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1958.

No. 21 of 1958.**An Act to amend the Mining Act, 1930-1955.**

[Assented to 30th October, 1958.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Mining Act Amendment Act, 1958".

(2) The Mining Act, 1930-1955, as amended by this Act, may be cited as the "Mining Act, 1930-1958".

(3) The Mining Act, 1930-1955, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

**Amendment of
s. 23a of the
principal Act—
Basis of
royalties in
certain cases.**

3. Section 23a of the principal Act is amended by inserting therein after subsection (1) the following subsection :—

(1a) Where pursuant to this Part a lease granted before or after the enactment of this subsection reserves a sum based on the gross amount realized from the sale of any substances obtained from the land comprised in the lease, then any substance which is obtained from the land by a person other than the lessee pursuant to an arrangement with the lessee shall be deemed to have been sold to that other person, at the time when it was obtained by him, at a price equal to the value of the substance at that time.

4. Section 32 of the principal Act is amended by adding at the end thereof the words "or has lapsed".

Amendment of s. 32 of principal Act—
Claim not to be pegged twice of same class.

5. The following section is enacted and inserted in the principal Act after section 39 :—

Enactment of s. 39a of principal Act—

39a. (1) If a mining registrar is satisfied, after due enquiry, that the registration of a claim or a title derived from the owner of a claim would cause severe and unjustified hardship to the owner or occupier of any land included in the claim he may, with the approval of the Minister, refuse to register such claim or title.

Discretion of mining registrar to register claim.

(2) In exercising a discretion under this section the Minister and the mining registrar shall have regard to the following matters :—

- (a) the value of the substance for which the claimant proposes to mine or prospect ;
- (b) the importance of the substance for the development and maintenance of industry within the State ;
- (c) the availability of alternative supplies of the substance ; and
- (d) the hardship and inconvenience caused or likely to be caused to the owner or occupier by prospecting or mining.

(3) This section shall not affect any right of a person to have a claim or title registered if such right is conferred on him by a contract with the Government of the State or with a person acting on behalf of that Government.

6. Section 41 of the principal Act is amended and the following section is enacted and substituted in lieu thereof :—

Repeal and re-enactment of s. 41 of principal Act—

41. If a person does not register—

Effect of non-registration.

- (a) a claim pegged out by him within thirty days after it was first pegged out or, if additional time for registration was allowed, within the additional time ; or
- (b) his title to a claim acquired by him from another person, within thirty days after the title was acquired or, if additional time for registration was allowed, within the additional time ;

his right to the claim shall lapse and he shall not be entitled to peg another claim containing the whole or any part of the land in the lapsed claim or to prospect or mine on any such land without the written consent of a warden.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.